

CABINET FOR FAMILIES AND CHILDREN

DEPARTMENT FOR SOCIAL INSURANCE

"An Equal Opportunity Employer M/F/D"



DIVISION OF CHILD SUPPORT ENFORCEMENT

DCSE Manual Transmittal
Letter No. 482
December 16, 1997

TO: Staff, Division of Child Support Enforcement

SUBJECT: Revised Order/Notice to Withhold Income for Child Support
(Form CS-89) and Procedural Instructions; Use of the CS-89
in Interstate Cases for Direct Income Withholding (DIW)

Section 324 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193, amended sections 442 and 454 of Title IV, Part D, of the Federal Social Security Act. This amendment requires the federal Office of Child Support Enforcement (OCSE) to issue a standardized interstate income withholding form and to mandate the use of the form by state IV-D programs. Consequently, the Order to Withhold Earnings (Form CS-89) has been revised and renamed the Order/Notice to Withhold Income for Child Support. The revised form is used in any instance for which wage withholding is appropriate, including situations in which Kentucky is the responding state.

The CS-89 is a multipurpose order/notice which is used as an original order/notice, an amending order/notice, and a terminating order/notice. It is used for income withholding for both **intrastate** and **interstate** cases. It is used in interstate cases only when DIW is appropriate. Therefore, a determination that DIW is appropriate must be made. If DIW is not appropriate for a particular interstate case, the CS-89 is not to be used. Instead, the case is to be enforced through whatever other interstate means is available.

The CS-89 is also used to require an employer to enroll a noncustodial parent's or obligor's child(ren) in a health insurance



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The UIFSA Handbook, issued by DCSE-AM-95-11 dated November 1, 1995, provides a priority scheme for determining the controlling order when multiple orders exist for the same parties.

When only one order exists for the same parties, that order is recognized as the controlling order regardless of whether any of the parties currently reside in the state which issued the order.

The CS-89 is used as follows when there is one controlling order.

NONCUSTODIAL PARENT OR OBLIGOR WORKS IN KENTUCKY; CUSTODIAL PARENT LIVES IN KENTUCKY

If the order is a Kentucky order, or an out-of-state order which does not make support payable through an out-of-state court collection agency, a CS-89 is sent to the Kentucky employer. If the Kentucky order requires support to be paid through a Kentucky court collection agency, a Notice to Collection Agency (Form CS-88) is sent to the agency.

If the order is an out-of-state order and support is payable through an out-of-state collection agency, a Child Support Enforcement Transmittal (Form CS-103) is sent to the Central Registry in the state that issued the order. The CS-103 requests income withholding and change of payee to make the Cabinet for Families and Children (CFC) payee with support forwarded to Division of Child Support Enforcement, P.O. Box 2150, Frankfort, KY 40602-2150.

NONCUSTODIAL PARENT OR OBLIGOR WORKS IN KENTUCKY; CUSTODIAL PARENT LIVES OUT OF STATE (R CASE)

If the order is a Kentucky order, or an out-of-state order which does not make support payable through an out-of-state court collection agency, a CS-89 is sent to the Kentucky employer. If the Kentucky order requires support to be paid through a Kentucky court collection agency, a CS-88 is sent to the collection agency.

The CS-89 makes support payable to the Division of Child Support Enforcement, P.O. Box 2150, Frankfort, KY 40602-2150 for distribution to the out-of-state payee.

- (2) a noncustodial parent or obligor has been ordered to enroll a child in health care coverage, has failed to do so, and as a result CFC must order the employer to enroll the child in a health insurance plan as required by KRS 205.595(2).

Page 3 is used to **combine** multiple administrative or judicial orders or both when all criteria in item one are met. **If the noncustodial parent or obligor has multiple orders which include both Kentucky orders and an out-of-state order(s), only Kentucky orders and those out-of-state orders which are not payable through an out-of-state court collection agency are combined into a single withholding order.**

If income withholding needs to be initiated on a remaining out-of-state order(s), a CS-103 is sent to the central registry of the state that issued the order. Income withholding is requested and a change of payee to make CFC payee with support forwarded to Division of Child Support Enforcement, P.O. Box 2150, Frankfort, KY 40602-2150.

Page 4 is used to order an employer to enroll a noncustodial parent's or obligor's children in a health insurance plan available through the employer when there are multiple orders which ordered the parent to obtain health insurance coverage for his or her children but the parent has failed to do so.

Page 5 is sent to a noncustodial parent's or obligor's employer to complete when the employer is ordered to enroll the noncustodial parent's or obligor's children in a health insurance plan. The employer must complete and return this page to DCSE within 30 days from the date of the CS-89.

Pages 6 and 7 of the CS-89 are used to provide an employer with information needed to enroll a noncustodial parent's or obligor's children in a health insurance plan. Each page provides space for information needed to enroll six children. If six or fewer children are to be enrolled, only page 6 is completed. If more than six children are to be enrolled, page 7 is also completed.

If a CS-89 is being completed to combine or initiate wage withholding for multiple orders, all the cases associated with the orders must be worked at the same time. If any of the cases are in a different area office(s), the initiating caseworker must call the responsible caseworker(s) in the area office(s) whose case(s) will be

was completed for multiple orders, caseworkers are to list on the Create Event Notes screen (ASEUNA) all IV-D cases and docket numbers associated with the order/notice to withhold income.

Also, caseworkers are to indicate in NOTES if the employer is required to enroll a noncustodial parent's or obligor's child(ren) in a health insurance plan. If so, the child(ren)'s name(s) and date(s) of birth are to be included in NOTES.

The CS-89 is sent by certified mail, return receipt requested. Caseworkers must create a service of process record for the primary case (the case which has been accessed) to document attempts to serve the CS-89 and to document the date the CS-89 is successfully served.

Because the revised CS-89 is a multipurpose form used to originate, amend, and terminate income withholding; combine multiple orders into a single withholding order; and order an employer to enroll a noncustodial parent's or obligor's children in a health insurance plan, the following forms are being obsoleted:

- Order/Notice of Combined Withholdings (Form CS-35);
- Notice to Enroll Dependent Child in Health Insurance Plan, (Form CS-51); and
- Change in Order to Withhold Earnings (Form CS-90).

An unnumbered version of the CS-89 (Rev. 12/97) is attached for photocopying until the form can be migrated to KASES. Any hard copy CS-89s in stock are to be recycled or destroyed. After the CS-89 (Rev. 12/97) has been migrated to KASES, the procedural instructions will be reissued.

The DIW and UIFSA Overview attachments are provided for informational purposes and to aid caseworkers in determining when direct income withholding under UIFSA is appropriate. Caseworkers may choose to either keep this material attached to the manual transmittal letter or establish and maintain a UIFSA resource folder for reference purposes, whichever is more helpful to the caseworker.